

• *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Ave., SE., West Building, Ground Floor, Room W12-140, Washington, DC 20590-0001.

• *Hand Delivery or Courier:* West Building, Ground Floor, Room W12-140, 1200 New Jersey Ave., SE., Washington, DC 20590, between 9 a.m. and 5 p.m., E.T., Monday through Friday, except Federal holidays.

*Instructions:* All submissions must include the Agency name and docket number. For detailed instructions on submitting comments and additional information on the exemption process, see the Public Participation heading below. Note that all comments received will be posted without change to <http://www.regulations.gov>, including any personal information provided. Please see the Privacy Act heading below.

*Docket:* For access to the docket to read background documents or comments received, go to <http://www.regulations.gov>, and follow the online instructions for accessing the dockets, or go to the street address listed above.

*Privacy Act:* You may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review the DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19476) or you may visit <http://DocketInfo.dot.gov>.

*Public Participation:* The Federal eRulemaking Portal is available 24 hours each day, 365 days each year. You may obtain electronic submission and retrieval help and guidelines under the "help" section of the Federal eRulemaking Portal Web site. If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard, or print the acknowledgment page that appears after submitting comments online. Comments received after the comment closing date will be included in the docket, and we will consider late comments to the extent practicable.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert F. Schultz, Jr., FMCSA Driver and Carrier Operations Division, Office of Bus and Truck Standards and Operations; *Telephone:* 202-366-4325. *E-mail:* [MCPSD@dot.gov](mailto:MCPSD@dot.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 4007 of the Transportation Equity Act for the 21st Century (Pub. L. 105-178, 112 Stat. 107, June 9, 1998) amended 49 U.S.C. 31315 and 31136(e) to provide FMCSA authority to grant exemptions from its motor carrier safety regulations, including the HOS rules. The procedure for requesting an exemption is prescribed in 49 CFR part 381. FMCSA must publish a notice of each exemption request in the **Federal Register** (49 CFR 381.315(a)). The Agency must provide the public an opportunity to inspect the information relevant to the application, including any safety analyses that have been conducted, and to comment on the request.

The Agency must review the safety analyses and public comments. Then it may grant the exemption for up to 2 years if it finds "such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption" (49 CFR 381.305). The decision of the Agency must be published in the **Federal Register** (49 CFR 381.315(b)) with the reason for denying or, in the alternative, the specific person or class of persons receiving the exemption, and the regulatory provision or provisions from which the exemption is granted. The notice must also specify the effective period of the exemption and its terms and conditions.

Rotel provides seasonal motorcoach tours for non-English speaking tourists. The service is unique because the drivers of these buses serve as the tour guides, providing oral commentary to the passengers in their native language, usually German. Rotel states that none of the States of the U.S. will issue CDLs to these drivers because they are not State residents. Until recent years, Rotel drivers were able to obtain a non-resident CDL from certain States. Rotel asserts that without the exemption from the requirement that its drivers have a CDL issued by a State, it would have to terminate these tour operations. Complete details of Rotel's operations can be found in its original application, dated August 27, 2007, which is contained in the docket of this notice.

On July 30, 2008, FMCSA granted, after notice and comment, Rotel's request to allow 22 drivers, each holding a German CDL, to operate Rotel motor coaches in the U.S. without a CDL issued by one of the States as required by 49 CFR 383.23 (73 FR 44313). FMCSA found that these drivers, operating specialty tour buses in the U.S., would "likely achieve a

level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption," in accordance with 49 CFR 381.305. The 2-year exemption expires on July 30, 2010.

**Rotel's Request for Amendment**

By letter dated February 6, 2009, supplemented by an e-mail message dated April 9, 2009, Rotel applied for an amendment to its exemption for the sole purpose of replacing three drivers on the original roster of 22 Rotel drivers approved for this exemption. Both documents are available in the docket for this notice. Rotel asks that Jens Radloff, Christian Hafner, and Ludwig Gerslberger be dropped from that roster, and that, in their place, Rotel employees Klaus Endres, Sebastian Nicki, and Karl-Heinz Schmitz, non-residents of the U.S. and holders of German CDLs, be added to the roster as drivers exempt from the CDL licensing requirement. Rotel believes these three new drivers, like the non-resident Rotel drivers already operating under this exemption, possess sufficient knowledge, skills, and experience to ensure a level of safety that is equivalent to, or greater than, the level of safety that would be obtained by complying with the requirement for a U.S. CDL. If the Agency determines that this amendment should be granted, the three new drivers would be subject to the terms and conditions of the original Rotel exemption.

In accordance with 49 U.S.C. 31315(b)(4) and 31136(e), FMCSA requests public comments on Rotel's request for amendment of its exemption to allow it to substitute three new Rotel CDL drivers for three of the 22 original Rotel CDL drivers granted exemption from 49 CFR 383.23 on July 30, 2008. FMCSA will consider all comments received by close of business on May 20, 2009. All comments will be available for examination in the docket at the location listed under the **ADDRESSES** section of this notice. The Agency will consider to the extent practicable comments received in the public docket after the closing date of the comment period.

Issued on: April 28, 2009.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

[FR Doc. E9-10209 Filed 5-4-09; 8:45 am]

**BILLING CODE 4910-EX-P**

**DEPARTMENT OF TRANSPORTATION****Federal Motor Carrier Safety Administration**

[Docket No. FMCSA–2006–25756]

**Commercial Driver's License (CDL) Standards; Volvo Trucks North America, Inc.'s Exemption Application****AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.**ACTION:** Notice of final disposition.

**SUMMARY:** FMCSA previously announced its decision to renew Volvo Trucks North America, Inc.'s (Volvo) exemption for seven of its drivers to enable them to test-drive commercial motor vehicles (CMVs) in the United States without a commercial driver's license (CDL) issued by one of the States. FMCSA requested comment on the renewal of the exemption, but received no comments.

**DATES:** This exemption is effective from April 23, 2009 through April 23, 2011.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Clemente, Driver and Carrier Operations Division (MC–PSD), Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue, SE., Washington, DC 20590. Telephone: 202–366–4325. E-mail: MCPSD@dot.gov.

**SUPPLEMENTARY INFORMATION:****Background**

Under 49 U.S.C. 31315 and 31136(e), FMCSA may grant or renew an exemption from the CDL requirements in 49 CFR 383.23 for a maximum two-year period if it finds “such exemption would likely achieve a level of safety that is equivalent to, or greater than, the level that would be achieved absent such exemption.” FMCSA evaluated Volvo's application on its merits and decided to grant the renewal of the exemption for seven of Volvo's engineers and technicians for a two-year period, effective April 23, 2009, as previously announced in the **Federal Register** (74 FR 6204, February 5, 2009).

**Comments**

The Agency received no response to its request for public comments published in the **Federal Register** on February 5, 2009 (74 FR 6204).

**Terms and Conditions for the Exemption**

Based upon evaluation of the application for an exemption, FMCSA granted Volvo a renewal of the exemption from the Federal CDL requirement in 49 CFR 383.23 for seven drivers (Peter Hofsten, Thorbjorn Ohlund, Freddy Blixt, Johnny

Adolfsson, Goran Alsen, Kjell Jansson, and Lars Svensson) to test-drive CMVs within the United States, subject to the following terms and conditions: (1) That these drivers are subject to drug and alcohol regulations, including testing, as provided in 49 CFR part 382, (2) that these drivers are subject to the same driver disqualification rules under 49 CFR parts 383 and 391 that apply to other CMV drivers in the U.S., (3) that these drivers keep a copy of the exemption in the vehicle they are driving at all times, (4) that Volvo notify FMCSA in writing of any accident, as defined in 49 CFR 390.5, involving one of the exempted drivers, and (5) that Volvo notify FMCSA in writing if any driver is convicted of a disqualifying offense described in section 383.51 or 391.15 of the FMCSRs.

*The exemption will be revoked if:* (1) The drivers for Volvo fail to comply with the terms and conditions of the exemption, (2) the exemption has resulted in a lower level of safety than was maintained before it was granted, or (3) continuation of the exemption would not be consistent with the goals and objectives of 49 U.S.C. 31315 and 31136.

Issued on: April 28, 2009.

**Larry W. Minor,**

*Associate Administrator for Policy and Program Development.*

[FR Doc. E9–10208 Filed 5–4–09; 8:45 am]

**BILLING CODE 4910–EX–P**

**DEPARTMENT OF TRANSPORTATION****Federal Motor Carrier Safety Administration**

[Docket No. FMCSA–2006–26367]

**Motor Carrier Safety Advisory Committee Public Meeting****AGENCY:** Federal Motor Carrier Safety Administration (FMCSA), DOT.**ACTION:** Notice of Motor Carrier Safety Advisory Committee Meeting.

**SUMMARY:** FMCSA announces that the Motor Carrier Safety Advisory Committee (MCSAC) will hold a committee meeting. The meeting is open to the public.

**DATES:** The MCSAC will hold two public sessions at its May meeting. The first will be held on Monday, May 18, 2009, from 10–11 a.m. (EDT), and will include a discussion between FMCSA management and the MCSAC committee on Task 09–02. This task was assigned at the MCSAC meeting on March 18 and asked the committee for suggestions on implementing a new cross-border trucking program between the United

States and Mexico. The meeting will be held via conference call. Should you wish to participate, please contact Shannon L. Watson at (202) 385–2395 or via e-mail at [shannon.watson@dot.gov](mailto:shannon.watson@dot.gov), by Wednesday, May 13, to receive information on how to access the call.

The May 20, 2009, public meeting will be held from 1–4 p.m. (EDT).

**ADDRESSES:** The May 20 meeting will be held at the U.S. Department of Transportation, Media Center, West Building, Ground Floor, 1200 New Jersey Avenue, SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Mr. Jeffrey K. Miller, Chief, Strategic Planning and Program Evaluation Division, Office of Policy Plans and Regulation, Federal Motor Carrier Safety Administration, U.S. Department of Transportation, 1200 New Jersey Avenue, SE., Washington, DC 20590, (202) 366–5370, [mcsac@dot.gov](mailto:mcsac@dot.gov).

**SUPPLEMENTARY INFORMATION:****I. Background**

Section 4144 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA–LU, Pub. L. 109–59) required the Secretary of the U.S. Department of Transportation to establish a Motor Carrier Safety Advisory Committee in FMCSA. The advisory committee provides advice and recommendations to the FMCSA Administrator on motor carrier safety programs and motor carrier safety regulations. The advisory committee operates in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 2). The Committee is comprised of 15 members appointed by the Administrator.

**II. Meeting Participation**

Both meetings are open to the public. FMCSA invites participation by all interested parties, including motor carriers, drivers, and representatives of motor carrier associations. Please note that attendees for the May 20, 2009, meeting will need to be pre-cleared in advance of the meeting in order to expedite entry into the building. By May 13, 2009, please e-mail [mcsac@dot.gov](mailto:mcsac@dot.gov) if you plan to attend the meeting to facilitate the pre-clearance security process. For information on facilities or services for individuals with disabilities or to request special assistance at the meeting, please e-mail [mcsac@dot.gov](mailto:mcsac@dot.gov) by May 13, 2009.

As a general matter, the Committee will allocate one hour for public comments on, May 20, 2009, from 3 p.m. to 4 p.m.. Individuals wishing to address the committee should send an